

SENATE CHAMBER,  
AUSTIN, TEXAS, Wednesday, May 17, 1871.

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Broughton, Hertzberg, Pridgen, Saylor and Tendick.

Absent—excused—Senator Evans.

Prayer by the Rev. Mr. Rogers.

On motion of Senator Tendick, the reading of the journal of yesterday was dispensed with.

Senators Broughton, Pridgen, Saylor and Tendick appeared and answered to their names.

Senator Mills moved that the accounts of the witnesses in the impeachment trial of Wm. H. Russell, Judge of the Fifteenth Judicial District, reported by the Committee on Contingent Expenses, be returned to the chairman of said committee.

Motion carried and accounts returned.

Senator Pridgen submitted the following report of the Committee on Enrolled Bills :

COMMITTEE ROOM,  
AUSTIN, May 16, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 423, entitled "An act providing for the payment of persons summoned as witnesses before the Senate, sitting as a high court of impeachment in the case of Wm. H. Russell, Judge of the Fifteenth Judicial District, and making an appropriation therefor," and to-day, at 4 o'clock P. M., presented it to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

Report read and received.

Senator Bowers moved that, at 12 M., the Senate go into Executive Session. Carried.

Under direction of the President, the Secretary carried to the House the following House bills, informing the House that the Senate had passed the same with amendments :

House bill No. 173, "An act to incorporate the Indianola Colored Benevolent Society," amended by striking out the word "colored," in the caption, and inserting in lieu thereof the word "African."

House bill No. 262, "An act to incorporate the San Antonio River Valley Irrigation Company;" amend section three, lines twelve and thirteen, by striking out the words "and their decision shall be final without appeal," and inserting the words "and in fixing the value of such lands, full allowance shall be made for damages sustained by the owner to lands lying adjacent thereto."

House bill No. 491, "An act for the relief of Drury Field, assignee of James Y. Mason." Amend by striking out the word "labor" wherever it occurs in the bill.

Also, returning without amendment, the following House bills which the Senate had passed:

House bill No. 108, "An act to incorporate the Land Owners' Association of Texas."

House bill No. 301, "An act to incorporate the Rockwall Institute, in the county of Kaufman."

House bill No. 364, "An act for the relief of John Hawkins Brown."

House bill No. 586, "An act to incorporate the San Antonio and Victoria, Indianola and New Orleans Express and Transportation Company."

House bill No. 587, "An act to incorporate the San Antonio City Street Railroad Company."

House bill No. 619, "An act changing the venue of a certain suit hereinafter named."

House bill No. 672, "An act authorizing the Governor to commission Silas McCrary and Jerry Washington, who have been duly elected as justices of the peace for Bowie county, and to validate their official acts."

Also, transmitting for signature of the Speaker the following enrolled Senate bills:

Senate bill No. 254, "An act to incorporate the Texas Dental College."

Senate bill No. 398, "An act to establish a ferry across Brazos river at or near the mouth of the Little Brazos river, in the counties of Brazos and Burleson."

Senate bill No. 268, "An act to incorporate the Texas Dental Association."

Enrolled bills signed by the Speaker, returned to the Senate and signed by the President in open session.

Message from the House by Chief Clerk, Mr. Ketchum, returning to the Senate the following Senate bills, the House having passed the same without amendments:

Senate bill No. 389, "An act incorporating the North Texas Road Steamer Company."

Senate bill No. 406, "An act authorizing Jacob Carroll to construct a toll bridge across Peach creek, in Gonzales county."

Senate bill No. 354, "An act to legalize certain acts of the county court of Brazos county."

Senate joint resolution No. 16, "Joint resolution in relation to payment of salaries of district judges."

Also, with amendment, substitute Senate bill No. 202, "An act to authorize the city council of the city of Austin to construct a bridge across the Colorado river."

House amendment to substitute Senate bill No. 202: amend by striking out "\$300,000" and inserting "\$500,000."

Also, transmitting for concurrence of the Senate, House joint resolution No. 31, "Joint resolution authorizing the Governor of the State to invite the Hon. Horace Greeley to visit the Capital of the State."

Also, the following House bills: House bill No. 342, "An act to incorporate the Glover Male and Female Academy."

House bill No. 551, "An act to make the county of La Salle a part of the Seventeenth Judicial District, of this State, and to attach it to the county of Live Oak for judicial and other purposes."

House bill No. 620, "An act to incorporate the Dallas City Railroad Company."

House bill No. 654, "An act to incorporate the Navasota and Washington County Ferry Company."

House bill No. 673, "An act to authorize the County Court of Upshur county to levy a special tax for the completion of the court house in said county."

On motion of Senator Bowers, the rules were suspended to take from file substitute Senate bill No. 202, "An act to authorize the City Council of the city of Austin to construct a bridge across the Colorado river."

On motion of Senator Bowers, the House amendments were concurred in.

On motion of President Campbell, the rules were suspended to take from file Senate bill No. 148. "An act regulating the removal of disabilities of minors." Read second time.

On motion of Senator Saylor, the following amendments reported by the Committee on Judiciary were adopted: Amend by inserting in section one, line three, after the words "minor in this State" the words "over the age of seventeen years."

Bill ordered engrossed and passed to a third reading, as amended.

On motion of Senator Saylor, the rules were further suspended and Senate bill No. 148 read third time and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Douglass, Flanagan, Fountain, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—17.

Nays—Broughton, Ford, Pickett, Shannon—4.

Senator Fountain submitted the following report of select committee on veto message of the Governor on Senate bill No. 9, "An act authorizing the county courts to sell the school lands situated in their respective counties:"

COMMITTEE ROOM,  
AUSTIN, May 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Select Committee, to whom was referred the message of his Excellency the Governor vetoing "An act authorizing the county courts to sell the school lands in their respective counties," have carefully considered the same. A majority of your committee concurring in the views expressed by the Governor in his veto message, direct me to report the bill back with the recommendation that on reconsideration it do not pass.

Respectfully,

A. J. FOUNTAIN,  
Chairman Committee.

Report and bill read.

10:30 O'CLOCK A. M.

The hour having arrived for consideration of special order, Senate bill No. 411, an act entitled "An act to incorporate the Galveston and Denver City Air Line Railway Company, and to promote the construction of the same,"

On motion of Senator Dohoney, the special order was postponed until the matter pending was disposed of.

By unanimous consent, the Senate then proceeded to the consideration of the report of the Select Committee on the veto message of the Governor on Senate bill No. 9. The question being "Will the Senate upon reconsideration agree to pass the bill."

The Senate upon reconsideration refused to pass the bill (Senate bill No. 9,) by the following vote:

Yeas—Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Ford, Latimer, Pyle, Shannon—10.

Nays—Mr. President, Baker, Bell, Fountain, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Tendick—14.

Senator Ruby submitted the following report of Committee on Engrossed Bills:

COMMITTEE ROOM,  
AUSTIN, May 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bills No. 409, "An act to encourage the Gulf Western Texas and Pacific Railway Company, in the construction of their railways," and No. 367, "An act to incorporate the Railroad, Real Estate, Building and Savings' Association of Texas," find the same to be correctly engrossed.

G. T. RUBY,  
E. L. DOHONEY,  
P. W. HALL.

Report read and received.

Under direction of the President, the Secretary carried to the House for concurrence Senate bills Nos. 409 and 367.

Message from the House by the Chief Clerk, Mr. Ketchum, transmitting for signature of the President, enrolled Senate substitute for House bill No. 186, "An act to amend the first, third and fifth sections of "An act entitled an act to regulate the disposal of the public lands of the State of Texas," approved August 12, 1870."

Also, the following enrolled House bills, House bill No. 472, "An act for the relief of the heirs and assignees of James Power and James Hewitson."

House bill No. 476, "An act to incorporate the Galveston and Colorado Railway Company."

House bill No. 349, "An act further defining the powers and jurisdiction of the Criminal District Court of Galveston and Harris counties."

House bill No. 299, "An act to repeal an act entitled 'an act regulating contracts for labor,' approved November 1, 1866."

House bill No. 300, "An act repealing an act entitled 'an act establishing a general apprentice law, and defining the obligations of master or mistress and apprentice,' approved October 27, 1866."

House bill No. 519, "An act authorizing the County Court of Kerr county to levy a special tax."

House bill No. 438, "An act to repeal a portion of act to change the names of the counties of Cass and Buchanan," approved December 17, 1861, and "to designate the name of the so-called county of Davis."

House bill No. 555, "An act making an appropriation to defray the contingent and printing expenses of the first session of the Twelfth Legislature;" also, House joint resolution No. 22, "Authorizing

his Excellency the Governor of the State to dispose of the Houston Tap and Brazoria Railroad."

Enrolled bills signed by the President in open session and returned to the House.

Postponed special order resumed.

Senate bill No. 411, "An act entitled 'an act to incorporate the Galveston and Denver City Air Line Railway Company, and to promote the construction of the same.'"

11 o'clock, A. M.

The hour having arrived for consideration of special order Senate bill No. 364, and substitute for Senate bill No. 364, "An act to establish a manual labor, poor house and convict labor system in each county in the State."

On motion of Senator Parsons, the special order was postponed until the matter pending, Senate bill No. 411, be disposed of.

Senator Ruby made the point of order that it was not competent for the Senate to entertain and consider the bill, as a bill of a similar character had been vetoed by the Governor during the present session of the Legislature, said veto not having been disposed of by the Senate, but still pending, and as the bill now before the Senate was identical with the one vetoed by the Governor with the exception that the provisions which had been objected to by the Governor had been stricken out.

The President ruled the point of order well taken and the bill (Senate bill No. 411) out of order.

11:30 o'clock, A. M.

The hour having arrived for consideration of special order Senate bill No. 419, "An act concerning private corporations."

On motion of Senator Ruby, the special order was postponed until the matter pending be disposed of.

Senator Parsons moved that the Select Committee on the veto message of the Governor on substitute Senate bill No. 168, "An act to incorporate the Galveston and Denver City Air Line Railway Company, and promote the construction thereof," be requested to return said message and the bill to the Senate.

Motion carried, and the message and bill returned.

The Senate then proceeded to consider the veto message.

Message and bill read.

The question being, "Will the Senate, upon reconsideration, agree to pass the bill?" Senator Fountain moved that the message and bill be recommitted to the Select Committee.

Yeas and nays called for and motion carried by the following vote:

Yeas—Mr. President, Baker, Bowers, Cole, Dohoney, Fountain,

Hillebrand, Latimer, Parsons, Pettit, Pickett, Pyle, Rawson, Saylor, Shannon, Tendick—16.

Nays—Bell, Broughton, Douglass, Flanagan, Ford, Gaines, Mills—7.

12 O'CLOCK M'

The hour having arrived for special order, (executive session,) the Senate went into executive session.

IN SENATE.

Senator Flanagan offered the following resolution and moved its adoption :

*Resolved*, That a committee of three be appointed by the President of the Senate, to co-operate with like committees from other States, and local committees upon the subject of the Centennial Celebration at Philadelphia in the year 1876.

Senator Parsons offered the following as a substitute for the resolution :

Concurrent resolution of the Senate and House of Representatives of the State of Texas :

*Be it resolved*, By the Senate of the State of Texas, the House of Representatives concurring :

WHEREAS, The Governor of the State of Pennsylvania has forwarded through the Governor of Texas to the Legislature of Texas, joint resolution of the several Assemblies of Pennsylvania, approved March 8, 1871, to-wit: "That the Governor and three persons appointed by him, Wm. A. Wallace and James H. Webb, Speakers of the Senate and House, with three members of each branch of the Legislature, to be appointed by the Speakers of the Senate and House respectively, shall be a committee of Pennsylvania to co-operate with committees from other States and local committees upon the subject of the Centennial Celebration at Philadelphia, in the year one thousand eight hundred and seventy-six, said committee to stand until that time, and to report at each intervening Legislature, and make such suggestions and recommendations, from time to time, to the Legislature, as they may think proper and expedient in reference to said Centennial Celebration ;"

Whereas, The Governor of Pennsylvania, in addition to the above resolution of the several Assemblies of his State, also communicates the fact of the object of said appointment as follows :

One of the most prominent objects of this resolution is to perfect the necessary preliminary organization at the earliest practicable date, and to gather all necessary information and material to facilitate the operations of the United States Board of Commissioners, to be appointed by the President of the United States, upon the recommendation of the Governors of the different States and Terri-

tories, in accordance with an act of Congress "To provide for celebrating the one hundredth anniversary of American Independence, by holding an international exhibition of arts, manufactures and products of the soil and mines, in the city of Philadelphia, and State of Pennsylvania, in the year eighteen hundred and seventy-six."

It is desired and intended that this Centennial Celebration shall be the grandest fair that has ever taken place, and it is highly important that every possible means shall be employed for the attainment of that object; and

Whereas, In furtherance of this grand national object of a Centennial Anniversary Celebration and International Exhibition, the Governor of Pennsylvania urges the Legislature of Texas to appoint a special committee, to co-operate with the committee of Pennsylvania, in conformity with the provisions of the joint resolution of that State, be it hereby

*Resolved*, That the Governor of the State, with three persons to be appointed by him, the President of the Senate, with three Senators to be appointed by him, and the Speaker of the House, with three members of the House to be appointed by him, shall be a committee, to co-operate with the committee of Pennsylvania in furtherance of the Centennial Celebration of 1876, with like power and authority as conferred upon the special committee of Pennsylvania, in conformity with the joint resolution of its General Assembly, passed March 8, 1871.

Senator Bowers moved that the resolution and substitute be referred to a select committee of three, with instructions to report tomorrow at 10:30 A. M. Carried.

The President appointed as such committee Senators Flanagan, Parsons and Fountain.

Senator Bowers offered the following resolution:

*Resolved*, That the Secretary of the Senate be directed to inform his Excellency, the Governor, that the Senate respectfully declines to advise and consent to the appointment of Franklin Cummings to the office of Judge of the Thirty-second Judicial District.

Resolution adopted and the Secretary informed the Governor that the Senate in executive session refused to advise and consent to the appointment of Franklin Cummings to the office of Judge of the Thirty-second Judicial District.



Senator Pridgen submitted the following report of the Committee on Enrolled Bills:

COMMITTEE ROOM,  
AUSTIN, May 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled the following Senate bills, to-wit: No. 328, entitled "An act to incorporate the International Insurance Company;" No. 187, entitled "An act to incorporate the Navarro Jockey Club;" No. 49, entitled "An act transferring the settlement of the estate of James H. Leaverton, deceased, from the District Court of Anderson county to the District Court of Houston county;" No. 75, entitled "An act to incorporate the Austin Gas Company;" No. 190, entitled "An act to incorporate the town of Longview, in Upshur county, Texas;" No. 233, entitled "An act to incorporate the Stock Traders' Bank;" No. 47, entitled "An act to incorporate the Lamar Female Seminary;" No. 99, entitled "An act to incorporate the Bank of Cleburne;" No. 265, entitled "An act to incorporate the Paris Real Estate and Banking Company," and to-day, at 10 o'clock A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

Report read and received.

Senator Mills moved to take up the veto message of the Governor on "An act to amend the first section of an act supplemental to an act entitled 'an act defining the office and duties of notaries public, passed May 13, 1846,' approved March 5, 1863." Carried.

On motion of Senator Mills, the veto message was made the special order for to-morrow at 11:20 o'clock A. M.

On motion of Senator Fountain, the Senate, at 1 o'clock P. M., adjourned to 4:30 o'clock P. M.

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## AFTERNOON SESSION.

4:30 o'CLOCK P. M.

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Bell, Flanagan, Gaines, Hertzberg, Parsons and Tendick.

Absent—excused—Senator Evans.

Senators Parsons and Tendick appeared, and answered to their names.

By leave, Senator Saylor introduced a bill (Senate bill No. 428) to be entitled "An act to incorporate the "C" Sugar and Tobacco Planting Association." Read first time.

On motion of Senator Hillebrand, the rules were suspended to take from file House bill No. 166, "An act to incorporate the Germania, at Fayetteville." Read second time and passed to a third reading.

On motion of Senator Mills, the rules were further suspended and House bill No. 166 read third time and passed.

On motion of Senator Mills, the rules were suspended to take from file House bill No. 393, "An act to amend section two of an act entitled 'an act defining lawful enclosures and for other purposes,' approved March 16, 1870." Read second time.

On motion of Senator Pickett, the bill was made special order for to-morrow at 12 o'clock M.

On motion of Senator Parsons the rules were suspended to take from file House bill No. 498, "An act to authorize the county court of Harris county to issue bonds for the purpose of funding the indebtedness of said county and to provide for their payment." Read second time and passed to a third reading.

On motion of Senator Parsons, the rules were further suspended and House bill No. 498 read third time and passed.

Senator Ruby submitted the following report of Committee on Engrossed Bills:

COMMITTEE ROOM.  
AUSTIN, May 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 148, "An act regulating the removal of disabilities of minors," find the same to be correctly engrossed.

G. T. RUBY,  
P. W. HALL:

Report read and received.

Under direction of the President the Secretary carried to the House for concurrence Senate bill No. 148.

Senator Pridgen submitted the following report of the Committee on Enrolled Bills:

COMMITTEE ROOM,  
AUSTIN, May 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled the following Senate bills, to-wit: No. 304, entitled "An act authorizing T. M. Harwood and C. C. De Witt, of Gonzales county, to construct a bridge across the Guadalupe river, near the town of Gonzales, in Gonzales county; No. 71, entitled "An act to incorporate the Marion County Agricultural, Mechanical and Blood Stock Association;" No. 268, entitled "An act to incorporate the Texas Dental Association;" No. 254, entitled "An act to incorporate the Texas Dental College;" and to-day, at 12 o'clock M., presented them to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

Report read and received.

Message from the House by the Chief Clerk, Mr. Ketchum, transmitting, for signature, enrolled House bill No. 672, "An act authorizing the Governor to commission Silas McCrary and Jerry Washington, who have been duly elected as justices of the peace of Bowie county, and to validate their official acts."

Also, transmitting, for concurrence, the following House bills:

House bill No. 475, "An act to incorporate the Texas Cotton Press and Manufacturing Company."

House bill No. 512, "An act to incorporate the Boerne Gesangverein of the town of Boerne, Kendall county, Texas."

House bill No. 561, "An act to incorporate the city of Corsicana, in Navarro county, Texas."

Also, returning to the Senate House bill No. 4, "An act to encourage stock raising and for the protection of stock raisers," and informing the Senate that the House has adopted all of the Senate amendments thereto, except one, and to which latter the House has adopted and offers, for the concurrence of the Senate, a further amendment as follows:

House amendment to Senate amendment to section twenty-six: Amend the amendment so as to read: "Section 26. That so much of this act as relates to the inspection of live stock, shall be enforced in the counties of Wichita, Wilbarger, Hardeman, Knox, Baylor, Haskell, Throckmorton, Collin, Dallas, Tarrant, Parker, Palo Pinto, Buchanan, Shackelford, Jones, Taylor, Callahan, Runnels, Eastland, Erath, Hood, Johnson, Bosque, Coleman, Milam, Falls, Lime-

stone, Navarro, Leon, Robertson, Jack, Montague, Wise, Denton, Cook, Clay and Burnet, also, the county of Galveston, where the jurisdiction of the inspector shall be confined to said county of Galveston, and hides of animals slaughtered in the same; and so much of this act as relates to the inspection and sale of hides, shall not apply to any of the counties mentioned in this act."

Also, transmitting for signature of the President, enrolled House bill No. 619, "An act changing the venue of a certain suit hereinafter named"

Enrolled bill signed by the President in open session, and returned to the House.

Also, returning the following Senate bills, informing the Senate that the House had passed the same without amendments:

Senate bill No. 427, "An act to incorporate the Austin Council, No. 94, Friends of Temperance."

Senate bill No. 407, "An act to incorporate the Navasota and Washington County Ferry Company."

Also, informing the Senate that the House had adopted the report of the Committee of Conference on House amendment to Senate joint resolution No. 12.

Under direction of the President the Secretary returned to the House, enrolled House bill No. 672, "An act authorizing the Governor to commission Silas McCrary and Jerry Washington who have been duly elected as justices of the peace of Bowie county and to validate their official acts," and informing the House that the President had signed the same in open session.

Also, transmitting for signature of the Speaker, enrolled substitute for Senate bill No. 389, "An act incorporating the North Texas Road Steamer Company."

Enrolled substitute for Senate bill No. 389 signed by the Speaker, returned to the Senate and signed by the President in open session.

On motion of Senator Pettit, the rules were suspended to take from file House bill No. 235, "An act to prohibit the sale of intoxicating liquors within certain limits of Tennessee Colony High School, in the town of Tennessee Colony, in Anderson county." Read second time and passed to a third reading.

On motion of Senator Pettit, the rules were further suspended and House bill No. 235 read third time and passed.

On motion of Senator Pickett, the rules were suspended to take from file Senate bill No. 332, "An act regulating appeals in criminal cases, and allowing fees to the clerk of the Supreme Court." Read second time; and

On motion of Senator Pickett, the following amendments reported by the Committee on Judiciary were adopted :

Section two, line five, amend by striking out the words "as soon as practicable" and inserting the word "immediately;" section two, lines sixteen and seventeen, by striking out the words "he shall briefly state such opinion in writing" and inserting the words "he shall allow said appeal and endorse upon the transcript his allowance thereof;" section two, line seventeen, by striking out the word "direct" and inserting the words "it shall then be the duty of;" section two, line nineteen, by striking out the word "two;" section two, lines twenty-four and twenty-five, strike out the words "he shall endorse his opinion on the transcript," and insert the words "he shall disallow the appeal and endorse his disallowance on the transcript;" section two, line twenty-five by striking out the words "and direct" and inserting the words "whereupon it shall be the duty of."

Section three, lines two and three, by striking out the words "motion for" and inserting the words "notice of;" section three, line three, by striking out the word "made" and inserting the word "given."

Amend by striking out section six entirely, and changing the number of next section.

Bill ordered engrossed and passed to a third reading as amended.

On motion of Senator Pickett, the rules were further suspended, and Senate bill No. 332 read third time and passed.

On motion of Senator Pickett, the caption of the bill was amended by striking out the words "and allowing fees to the clerk of the Supreme Court."

On motion of Senator Pridgen, the rules were suspended to take from file House bill No. 605, "An act to incorporate the town of Yorktown." Read second time.

On motion of Senator Pridgen, the following amendments reported by the Committee on State Affairs, were adopted: Amend section three, line seven, insert after the word "alderman" the following words: "and shall be required to take the oath prescribed by the Constitution of the State of Texas."

Bill passed to a third reading as amended.

On motion of Senator Pridgen, the rules were further suspended and House bill No. 605 read third time and passed.

On motion of Senator Pyle, the rules were suspended to take from file House bill No. 507, "An act to incorporate the Llano Mining Company." Read first time, rules suspended and read second time.

Senator Bell offered the following amendment: Amend by strik-

ing out section six and changing the number of section seven to section six.

Senator Fountain called to the chair.

Yeas and nays called for on adoption of amendment and amendment adopted by the following vote :

Yeas—Baker, Bell, Bowers, Cole, Dohoney, Ford, Gaines, Hillebrand, Latimer, Pickett, Pridgen, Pyle, Rawson, Shannon, Tendick—15.

Nays—Mr. President, Broughton, Fountain, Mills, Parsons, Pettit, Ruby, Saylor—8.

Bill passed to a third reading as amended.

On motion of Senator Pyle, the rules were further suspended, and House bill No. 507 read third time and passed.

On motion of Senator Rawson, the rules were suspended, to take from file House bill No. 212, "An act to amend the seventy-first and ninety-second sections of 'an act to regulate proceedings in the district courts,' approved May 13, 1846." Read second time, and passed to a third reading.

On motion of Senator Rawson, the rules were further suspended, and House bill No. 212 read third time and passed.

On motion of Senator Ruby, the rules were suspended to take from file House bill No. 284, "An act to incorporate the Austin Homestead Building Association." Read second time and passed to a third reading.

On motion of Senator Ruby, the rules were further suspended and House bill No. 284 read third time and passed.

Senator Ruby asked to be excused from attendance for the balance of the day. No objection being made, Senator Ruby was excused.

On motion of Senator Saylor, the rules were suspended to take from file Senate bill No. 428, "An act to incorporate the "C" Sugar and Tobacco Planting Association." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended and Senate bill No. 428 read third time and passed.

On motion of Senator Shannon, the rules were suspended to take from file House bill No. 603, "An act to amend section twenty-nine of an act entitled 'an act to incorporate the city of Dallas, in Dallas county.'" Read second time and passed to a third reading.

On motion of Senator Shannon, the rules were further suspended and House bill No. 603 read third time and passed.

On motion of Senator Tendick, the rules were suspended to take from file Senate bill No. 384, "An act authorizing the Commissioner of the General Land Office to appoint additional draftsmen

for his department, and fixing the salaries and making an appropriation therefor."

On motion of Senator Tendick, the following House amendments were concurred in :

Amend section one, line four, by striking out the word "three" and inserting in lieu thereof the word "four;" also, line four, by inserting at the end of the line, after word draftsmen." the following: "whenever and for such length of time as the business of his office may require."

Amend section two, lines one and two, by striking out the words "forty-eight hundred" and inserting in lieu thereof the words "six thousand."

Amend title by striking out the word "three" and inserting in lieu thereof the word "four."

By leave, Senator Pridgen submitted the following report of Select Committee on Senate joint resolution No. 12:

COMMITTEE ROOM,

AUSTIN, May 17, 1871.

To the Honorable President of the Senate and Speaker of the House of Representatives:

Your Committee of Conference, appointed to confer and report upon the disagreement of the two Houses on the amendment adopted by the House to Senate joint resolution No. 12, proposing an amendment to the Constitution, beg leave to report that the committee have agreed to recommend that the Senate do adopt the amendment, and ask to be discharged from further consideration of the subject.

Very respectfully,

B. J. PRIDGEN,

Chairman for Senate.

W. P. McLEAN,

Chairman for House of Representatives.

Report read, and

On motion of Senator Pridgen, the rules were suspended to consider the report.

Senator Pridgen moved the adoption of the report.

Yeas and nays called for, and report adopted by the following vote:

Yeas—Baker, Bowers, Cole, Dohoney, Douglass, Flanagan, Ford, Hillebrand, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Shannon—16.

Nays—Mr. President, Bell, Broughton, Fountain, Gaines, Mills—6.

On motion of President Campbell, the rules were suspended, to take from file House bill No. 11, "An act for the relief of the District

Attorney of the Criminal District Court of Galveston and Harris counties, and appropriating means for the salary of said officer." Read second time and passed to a third reading.

On motion of President Campbell, the rules were further suspended and House bill No. 11 read third time.

The question being on the final passage of the bill, yeas and nays called for, and lost by the following vote :

Yeas—Fountain, Parsons---2.

Nays—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Ford, Gaines, Hillebrand, Latimer, Mills, Pettit, Pickett, Pridden, Pyle, Rawson, Shannon---20.

By leave, Senator Baker submitted the following report of the Committee on Federal Relations on Senate joint resolution No. 37 :

COMMITTEE ROOM, .

AUSTIN, May 17, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Federal Relations, to whom was referred Senate joint resolution No. 37, "Joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence in the passage of such an act by the United States Congress as shall incorporate the name of John G. Tod, in the navy of the United States, in the same rank held by him in the Texas navy at the date of annexation," have carefully considered the same, and upon due examination have the honor to report said Senate joint resolution No. 37 back to the Senate and unanimously and earnestly recommend its passage.

Respectfully,

THOMAS H. BAKER,

Chairman.

• Report read.

On motion of Senator Baker, the rules were suspended to consider report.

Report adopted, and Senate joint resolution No. 37 read second time, ordered engrossed and passed to a third reading.

On motion of Senator Baker, rules were further suspended, Senate joint resolution No. 37 read third time and passed by an unanimous vote.

On motion of Senator Bell, the rules were suspended to take from file House bill No. 460, "An act to authorize Howard Keyes to erect a toll bridge at Crockett Bluff, on Sabine river." Read second time with amendments: Amend section five by striking out the word "five" in the second and third lines of said section, and insert in lieu thereof, in each instance, the word "three."



On motion of Senator Gaines, amendment recommended by Committee on Roads, Bridges and Ferries, was adopted.

On motion of Senator Bell, the rules were further suspended, House bill No. 460 read third time and passed.

On motion of Senator Bowers, the rules were suspended to take from file Senate bill No. 391, to be entitled "An act to authorize the Commissioner of the General Land Office to issue land certificates to owners of the T. J. Chambers grant." Read second time.

On motion of Senator Pickett, Senate bill No. 391 was indefinitely postponed.

On motion of Senator Broughton, the rules were suspended to take from file House bill No. 322, "An act authorizing and regulating the sale of the University Lands." Read second time and passed to a third reading.

On motion of Senator Broughton, the rules were further suspended and House bill No. 322 read third time and passed.

Senator Saylor moved that the Senate adjourn to 10 A. M. to-morrow.

Yeas and nays called for and motion to adjourn lost by the following vote:

Yeas—Mr. President, Baker, Bowers, Pettit, Pyle, Rawson, Saylor, Tendick—8.

Nays—Bell, Broughton, Cole, Dohoney, Douglass, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Mills, Prickett, Pridgen, Shannon—15.

On motion of Senator Baker, indefinite leave of absence was granted to Benj. Reed, Senate porter, to take effect from Friday next.

On motion of Senator Rawson, the Senate at 5:55 o'clock P. M., adjourned to 9 o'clock A. M., to-morrow.

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